

3.2 Cultural Resources

This section considers the effects of the proposed action on significant cultural resources located within the action area. Cultural resources in this analysis comprise prehistoric and historic archaeological resources, locations important to Native Americans, and historic architectural resources. The analysis describes the environmental consequences, regulatory setting, and mitigation measures that would reduce impacts resulting from the proposed action or alternatives.

The key sources of data and information used in the preparation of this section are listed below:

- Field surveys,
- A detailed records search,
- Input from Native American tribes and historical organizations, and
- A review of historical literature and previous reports.

A detailed cultural resources analysis supporting the findings in this section can be found in the cultural resources technical report, included as Appendix D to this document.

3.2.1 Affected Environment

The Basin, including Kings Beach, is sensitive for archaeological and historic cultural resources, as well as Native American resources. The prehistoric and historic setting of the action area are discussed below.

A number of cultural resource management reports have presented the cultural setting of the North Lake Tahoe and Kings Beach area. These include, most notably, Reno and Zeier (2003), from which the following setting is derived. This work is supplemented by reference to additional contextual descriptions by Lindström (1991) and Lindström and Waechter (1996).

3.2.1.1 Prehistoric Overview

Summaries of western Great Basin and eastern Sierra Nevada prehistory are found in Pendleton et al. (1982) and Elston (1982, 1986). These interpretations employ the concept of adaptive strategies—the combination of technological, subsistence, settlement, and ideological elements—to describe how prehistoric people interacted with their environment. Four strategies are recognized for the western Great Basin and eastern Sierra: the Pre-Archaic (prior to 7,000 years before present [B.P.]), the Early Archaic (7,000–4,000 years B.P.), the Middle Archaic (4,000–1,500 years B.P.), and the Late Archaic (1,500 years B.P. to Euroamerican contact).

The Pre-Archaic strategy prevailed from about 11,500 to 7,000 years B.P. This was a time of cool, moist conditions in which human subsistence focused on lakeshore and marsh resources and the taking of large game. Population densities were low and groups were highly mobile.

Pre-Archaic sites have been identified along the Truckee River, and Early Archaic sites have been recorded near Spooner Lake and in other locations within the Basin. Lindström (1990) suggests that during Pre-Archaic and Early Archaic times the level of Lake Tahoe may have been considerably lower than at present. If this was the case, Pre-Archaic and Early Archaic sites would have been submerged as the lake level rose to its eventual, modern level.

Environmental conditions again changed about 4,000 years B.P., marking the onset of the Middle Archaic. Increases in effective precipitation caused the expansion of lake and marsh resources. Lake Tahoe presumably returned to its present level at that time. Prehistoric population increased, and pronounced cultural elaboration occurred, as shown by an abundance of textiles and other perishables and more elaborate house structures. Subsistence practices continued to emphasize large game hunting, but the use of seed and upland resources increased notably. The local Basin manifestation of the Middle Archaic adaptive strategy is termed the Martis Complex.

The transition from the Middle to the Late Archaic saw further changes in technology, subsistence patterns, and settlement. The bow and arrow were introduced in the Late Archaic, along with a greater diversity of ground stone implements and an emphasis on the use of small flake tools. Local and regional populations increased, prompting an intensification and diversification in subsistence practices. The use of pinyon became pronounced during this period. The Kings Beach Complex, which apparently represents populations ancestral to the present day Washoe, is the local manifestation of this adaptive strategy and has been identified west of the action area along the beach.

3.2.1.2 Washoe Overview

Ethnographic data on the Washoe are contained in d'Azevedo (1956, 1963, 1986); Barret (1917); Dangberg (1968); Downs (1966); S. and R. Freed (1963); Lowie (1939); Nevers (1976); Price (1962, 1980); and Siskin (1941). At the time of Euroamerican arrival, the Basin was inhabited by the Washoe, a Hokan-speaking hunting and gathering group. Washoe territory covered the chain of valleys along the eastern slope of the Sierra Nevada from Honey Lake to Antelope Valley. The Pine Nut Mountains and the Virginia Range formed the eastern boundary; the western boundary was just west of the Sierra Nevada crest. Lake Tahoe was, and remains, the geographic and social center of the Washoe world, and places within the Basin maintain their legendary and mythological associations.

Washoe subsistence was marked by seasonally shifting resource exploitation. With the coming of spring, small bands or individual families left their winter villages to take advantage of ripening plant foods. As soon as travel became possible, young people began leaving winter villages for Lake Tahoe. Whitefish and early plants sustained these first arrivals. If it had been a particularly difficult winter, the young would return to the winter villages with fish taken from the lake and its tributaries. Others left the winter villages as spring progressed and made their way to the lake, where most of the tribe was encamped by early June. From these lakeside base camps, the Washoe took trout, sucker, and whitefish that spawned in the streams, accumulating stores of dried fish for later use.

Tributary streams, such as Griff Creek, were important fisheries for the Washoe (Lindström 1993). One temporary camp, *gumLE'phEl wO'tha*, is noted in the ethnographic record at the mouth of Griff Creek just south of the action area. The level of modern disturbance does not preclude the possibility that remains of camps may be found beneath the urban development of the action area. A Washoe trail, including its intersection with another trail northward to Martis Valley, roughly predicted the modern alignments of SR 28 and SR 267 (Lake Tahoe Basin Management Unit 1998:5).

The Washoe left the lake in late summer and early fall to disperse in small groups to the valleys east of the Sierra. Antelope and rabbit were hunted both by individuals and in communal drives. The Washoe collected pine nuts along the eastern face of the Sierra and in the Pine Nut Mountains, with deer hunting serving as an important ancillary activity in these locations. They returned to their favored winter base camps with the coming of heavy winter storms, sustained by stored pine nuts, seeds, and dried meat.

The post-1850s arrival of Euroamericans radically changed Washoe use of the Basin. The Washoe resource base was greatly affected by the development of transportation corridors, logging, recreation, and commercial fishing. Traditional lifeways changed, and with the demise of their traditional food sources, the Washoe became increasingly dependent on the Euroamerican social and economic structure.

3.2.1.3 Historic Overview

Early Settlement

Early emigrant trails did not enter the action area, but passed around the southern end of Lake Tahoe, then over Donner Summit to the north. The major wagon supply route from California to the Comstock Lode also passed to the south. However, a less popular route did pass through the action area for a short time: Scott's Route (Placer County Emigrant Road) passed along the north shore of Lake Tahoe from 1852 to 1855 (Lindström 1993).

In 1869, George Schaffer and William Campbell built the Truckee-Brockway Road, or Brockway Cutoff. This road passed through the study area. In 1874, a linking road was

constructed along the north shore of Lake Tahoe. This road was an improvement of the old Scott Route and closely approximated the route of current day SR 28 (Goodwin 1971:12).

The tiny settlement of Pine Grove Station was located at the intersection of the road along the north shore and the Truckee-Brockway Road. Throughout the late nineteenth and early twentieth century, people passed through this area on their way to other destinations, particularly the hot springs resort at Brockway. During the early 1920s, settlement in the study area was sufficiently sparse that it did not warrant note or a place name on maps (U.S. Coast and Geodetic Survey 1923; U.S. Forest Service 1926). This was the end of a long period of economic stagnation for the Basin, following the demise of industrial-scale logging operations.

Subdivision and Commercial Development

Sometime between 1923 and 1925, Joe King, after whom Kings Beach is named, began obtaining control of the commercial core of Kings Beach from Robert P. Sherman, who, along with Harry O. Comstock, controlled interests in land throughout what is now Tahoe Vista, Kings Beach, and Brockway. Sherman constructed the Buckhorn Inn, the first modern commercial building in Kings Beach, which continued to be used into the 1950s.

During the 1920s, some of the earliest subdivisions in the Basin were established along the north shore of the lake; much of the infrastructural layout of Kings Beach and adjacent Tahoe Vista dates from this period. Individual subdivisions, characterized by restrictive covenants, conditions, and restrictions, included Cala-Neva, established in 1914; Wood Vista or Woodmere, established in 1924; Brockway Vista, established in 1924 (which includes most of the action area); and Brockway Vista Addition, established in 1926 (Lindström and Waechter 1996:59). Lots were small—“slices” 25 feet wide—because they were intended primarily as seasonal automobile campsites. These and other developments gradually merged to make a nearly unbroken, dispersed, residential pattern from Tahoe Vista through Kings Beach to Brockway. By 1940 the modern quadrangular

road system, defined by subdivisions begun in the late 1920s, was well established in Kings Beach.

Beginning in the 1920s, a row of small businesses was established along SR 28. Catering to middle-class, automobile-based tourists these businesses were constructed and leased out by the King family. This linear commercial corridor was surrounded by a seasonally occupied residential neighborhood that included single-family residences, multifamily residences, rental cabins, and motels. By this time, the forest was recovering from nineteenth century logging and many parcels were close to one of the finest sand beaches at Lake Tahoe, Kings Beach. An additional attraction was the Brockway golf course at Kings Beach's west end. The community became known as "Lake Tahoe's Coney Island."

At that time, the commercial core of town was strictly limited to the block between Coon and Bear Streets. Most buildings were on the south side of SR 28, including King's cottage complexes, the Buckhorn Inn, two restaurants, and a real estate office. Businesses on the north side of the route included a waffle shop, a store, and an automobile service station (Highway Department 1936).

Before the 1930s, the transportation system around the lake was severely affected by winter weather. However, after gambling was legalized on the Nevada side of the lake, roads began to be routinely cleared of snow as visitors flocked to the region to game and participate in winter sports. The resulting year-round income aided in the establishment and survival of small businesses at Kings Beach (Anonymous 1939).

By the late 1930s and early 1940s, the commercial part of town developed on the south side of the highway (just east of Bear Street) and included a large mercantile store, a drug store, a movie house, and a modern style Chevron station. The eastern third of the block west of Bear Street on the northern side of the highway included a café, a photo studio, and a traditional-design service station. This marked the western extent of the commercial district, except for a small barbecue stand near Deer Street (Hayden 1939).

The commercial district expanded eastward to Chipmunk Street and included a bakery, motels, and possibly a theatre. A fire station was also built near the intersection of North Lake Boulevard with the Brockway Grade (SR 267).

Postwar Expansion, 1946–1960

Throughout the Basin, little new development occurred during World War II (Jackson and Pisani 1973). However, in the postwar period, several new motels, many of them two stories, were built along North Lake Boulevard (Pacific Telephone and Telegraph Co. 1952). These supplemented, but did not replace, the many resort cottages present in Kings Beach. A newer and more transient tourist was being catered to, often staying for a night or a weekend rather than for a week or a month. As before, other businesses directly or indirectly supported tourism. They included boat rentals, markets, bakeries, automobile services stations, bars, beauty salons, theatres, and restaurants. Presiding over the center of the community was the new two-story brick post office building.

Between 1953 and 1960 the growth of the commercial corridor through Kings Beach stabilized, while residential growth continued to fill in most of the surrounding subdivision parcels. The urban corridor was more impressive than it is today, with an almost continuous row of businesses from Secline Street all the way to Chipmunk Street (California State Automobile Association 1956; Pacific Telephone and Telegraph Co. 1953, 1954, 1955, 1956). This streetscape was altered in the 1970s when land on the lakeside of the street was acquired to create the King's Beach State Recreation Area. This resulted in the removal of a number of buildings on that side of the street.

Modern Developments, 1961–Present

The onset of modern development at Kings Beach was sparked by selection of nearby Squaw Valley as the location for the 1960 winter Olympic games. Rather than small resorts, the community constructed large resorts for patrons of the games. Many buildings present in the community today were constructed or remodeled to support the crowds attending the games.

Architecture

Use of the Basin as a tourist destination and place for seasonal residences resulted in buildings ranging from large casinos and hotels to tiny rustic cabins. Regardless of the scale, the primacy of nature runs through much of the literature on Tahoe architecture. According to many accounts, there is a distinct *Lake Tahoe Style* of architecture.

Outstanding high-style examples at the lake by architects such as Bernard Maybeck, Gordon Kaufmann, and Frederick DeLongchamps are Fleischmann's estate and Whittell's Thunderbird Lodge with their emulation of northern European vernacular and British Arts and Crafts design elements, the Knight's Vikingsholm estate with its emulation of Scandinavian design, and the Ehrman estate with echoes of both the British Arts and Crafts and Chateau traditions (James and James 2002; Marvin et al. 2003; Reno 2004).

Large homes built at Lake Tahoe during the early years of the twentieth century embodied the Rustic style. Examples listed on the National Register of Historic Places (NRHP) are the Hellman/Ehrman Estate (1894), the Heller Estate (1924), and the home of "Lucky" Baldwin's daughter, Dextra (1923–1924), at Tallac. The Hellman/Ehrman Estate, built on the site of the former Bellevue luxury hotel, was the summer home of wealthy San Francisco financier Isaias W. Hellman. Although it was a sumptuous home and was not constructed of log, the huge posts supporting the long porch were unpeeled (bark-clad) logs with set-in unpeeled log shoulders. Other structures on the property have more rustic qualities than the main house. Also on the property is the Phipps log cabin, the home of the first settler to the area, who homesteaded in 1872 (Welts n.d.).

The three estates at Tallac (the Pope, Heller, and Baldwin Estates) are also characterized by degrees of rusticity, from sophisticated rustication to romanticized bark and log structures. Again, on the main houses large posts supporting porches are typically peeled or unpeeled logs. Dextra Baldwin used half logs for her home and full log construction for her guest cabins. The other estates employed log construction mainly for outbuildings. The boathouse on the Heller Estate is cedar bark laid up vertically, while

the “Honeymoon cottage” on the Pope Estate is made of logs, with curvilinear branches decoratively filling the gables over the porch. The latter structure, especially, epitomizes the romance of log construction (Boghosian et al. n.d.).

The famous Nevada architect, Frederick DeLongchamps, designed several homes at Lake Tahoe in the Rustic style, including one for Senator (former Governor) Tasker Oddie in 1932 that had many of the same features as those found in Zephyr Cove and at Kings Beach. They included the use of unpeeled boards, grouped casement windows, and picture windows. In 1935, he designed a two-story home at Lake Tahoe for O. Alexander in the same style that featured cedar bark siding and a verandah with log railings.

In recent decades, architectural recording has been broadened from the high-styles mentioned above to vernacular expressions of the same general ideals. Nearly all of the rustic architecture of Kings Beach is decidedly vernacular, characterized by small scale and use of relatively inexpensive wood trim, such as siding shaped to look like logs, wood and bark shingles, and exposed rafters. True log construction is rare, as is the magnificent stonework often present in high-style examples. Natural finishes, such as oil, are preferred to paint. Gable, hip, and gambrel roofs tend to be moderate to steeply pitched, but can be low pitched on small buildings. Dormers are common. From this period, most Tahoe buildings do not exceed one-and-a-half stories and basements are rare. Similar simple expressions of rustic log and stone architecture are present in the Zephyr Cove Properties Historic District (P.S. Preservation Services 2001) and at Tahoe Meadows. Tahoe Meadows, an early vacation home subdivision in South Lake Tahoe, was subdivided in 1924 and incorporated in 1925, making it contemporary with the Brockway Vista subdivision at Kings Beach. The modest homes and cabins built in this subdivision were generally rustic, and often of log. Bernard Maybeck, one of California’s most famous architects, designed two of the cottages (Woodbridge n.d.).

The appropriateness and popularity of rustic architecture was and continues to be recognized at Lake Tahoe. The local Tahoe *Tattler* newspaper routinely carried articles about new construction in the 1930s that showed an overwhelming preference for this

style (e.g., August 30, 1935 pp. 1–2; August 26, 1938 pp. 1–4; August 18, 1939 pp. 1,4). The style was repeatedly called “Tahoe-type architecture” in these articles. It was not only the popular press but architects that recognized the distinctive regional character of resort rustic architecture at Lake Tahoe.

Well-preserved examples of a common style (such as Craftsman or Minimal Traditional) are not considered eligible for listing in the NRHP. To be eligible, a building must retain characteristics that make it an outstanding example of a particular form of rusticity that would be recognized locally as *Lake Tahoe Style*. Also required is a setting that is sufficiently intact that the building retains the somewhat ethereal qualities of feeling and association. For the purposes of this report and associated DPR 523 forms, the more widely inclusive term “Mountain Rustic” or simply “Rustic” is used to describe these various characteristics used to modify recognized architectural styles to fit into the local setting.

In most cases, buildings eligible for the NRHP or the California Register of Historical Resources (CRHR) are outstanding or particularly representative examples of the range of buildings that reflect the amorphous concept of Lake Tahoe Rustic architecture. In 1990 Alpengroup evaluated the status of many historic buildings in the Basin and made some observations pertinent to the later development of Kings Beach. These observations follow below.

The Basin is confined by the Lake and the mountains and therefore the options available for both public and private development is severely limited. Some of the best development sites in the Basin are the already built sites. Often a larger residence is built on the site of a smaller and older house. Much of the early twentieth century residential development was modest. Small cabins and cottages were built as vacation homes. These buildings are threatened with replacement as more houses become year round first and second homes and as the current size requirements of both are much higher now than they were forty, fifty, and sixty years ago.

Many of the people building in the Basin today are not from the Basin and have very little sense of the history of the area. Without knowledge of the area’s

history or an appreciation for what is appropriate to the historic areas, the architects, builders, developers, and owners are not designing and building sensitive and appropriate structures (Alpengroup 1990:37–38).

Other styles present in small numbers include International, Streamlined Moderne, and A-frames. Numerous permanently occupied travel trailers are present in several trailer parks. The most common residential style for the periods of significance is Minimal Traditional, often merging into Ranch Style (McAlester and McAlester 1990:478). A common resource type is the motel. Detached Row, Row-on-Row, L, and U configured cottage courts are present. One and two-story integrated motor courts are laid out in Row and L forms (Jakle 1996:37).

3.2.2 Regulatory Setting/Tahoe Regional Planning Agency Thresholds

Criteria for determining cultural resource significance and project effects are based on NHPA, CEQA, and TRPA Code of Ordinances.

3.2.2.1 Federal Regulations

Section 106 of the National Historic Preservation Act

The lead agency for this action is FHWA. Section 106 requires federal agencies, or those they fund or permit, to consider the effects of their actions on the properties that may be eligible for listing or are listed in the NRHP. To determine whether an undertaking could affect NRHP-eligible properties, cultural resources within an Area of Potential Effects (APE) (including archaeological, historical, and architectural properties) must be inventoried and evaluated for listing in the NRHP. Although compliance with Section 106 is the responsibility of the lead federal agency, the work necessary to comply can be undertaken by others.

The Section 106 process entails six basic steps, which are listed below.

- Initiate consultation and public involvement.
- Identify and evaluate historic properties.

- Assess effects of the action on historic properties.
- If necessary, consult with the State Historic Preservation Officer (SHPO) regarding significant impacts on historic properties, resulting in a Memorandum of Agreement (MOA).
- Submit the MOA to the Advisory Council on Historic Preservation (ACHP).
- Proceed in accordance with the MOA.

Federal Historic Significance Criteria

For federal projects, cultural resource significance is evaluated in terms of eligibility for listing in the NRHP. NRHP criteria for eligibility are defined below.

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that

- are associated with events that have made a contribution to the broad pattern of our history;
- are associated with the lives of people significant in our past;
- embody the distinct characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- have yielded, or are likely to yield, information important in prehistory or history (*36 CFR 60.4*).

FHWA Compliance With Section 106 under Programmatic Agreement

In January 2004, FHWA entered into a programmatic agreement with the Advisory Council on Historic Preservation and several California state entities to streamline the

Section 106 process, which resulted in the *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA) (Appendix E).

This PA essentially allows Caltrans Professionally Qualified Staff (PQS) to ensure the Federal-Aid Highway Program (Program) is carried out in accordance with stipulations set forth in the PA to take into account the effects of the Program on historic properties in California. The stipulations in the PA govern compliance of the Program with Section 106 of the NHPA. A major stipulation included in the PA, Stipulation VII, outlines classes of undertakings, called *Screened Undertakings*, that may be exempt from Section 106 review. Screened Undertakings are those that have the potential to affect historic properties, but following appropriate screening as described in Attachment 2 of the PA, may be determined to be exempt from further review or consultation under the PA.

Section VII, Attachment 2 of the PA applies to water features, curbs, and gutters added to the current project after Section 106 was completed on the original project.

3.2.2.2 State Regulations

CEQA and Cultural Resources

Section 15064.5 of the CEQA Guidelines requires that proponents of public and private projects financed or approved by public agencies assess the effects of the proposed action on significant historical resources and unique archaeological resources (as defined in Section 21083.2). *Historical resource* is a CEQA term that includes buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and is eligible for listing or is listed in the CRHR. According to the CEQA Guidelines (Section 15064.5 [a]), a

resource can qualify as a *significant historical resource* if it meets any of the following criteria.

- It is listed in or determined eligible for listing in the CRHR.
- It is included in a local register of historical resources, as defined in Section 5020.1[k] of the California Public Resources Code (PRC), or identified as significant in a historical resource survey that meets the requirements of Section 5024.1[g] of the PRC, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- The lead agency determines it is significant as supported by substantial evidence in light of the whole record.

California Register of Historical Resources

The CRHR was created by the California State Legislature in 1992 and is intended to serve as an authoritative listing of historical and archaeological resources in California. For a historical resource to be eligible for listing in the CRHR, it must be significant at the local, state, or national level under one or more of the following criteria from CEQA Guidelines Section 15064.5(a)(3), Subsections (A)–(D).

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- It is associated with the lives of persons important in our past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of an important creative individual or possesses high artistic values.
- It has yielded, or may be likely to yield, information important in prehistory or history.

Historical resources automatically listed in the CRHR include those historic properties listed in, or formally determined to be eligible for listing in, the NRHP (*PRC 5024.1*).

TRPA Guidelines/Thresholds

TRPA Guidelines

The TRPA Initial Environmental Checklist (IEC) identifies issues that may be deemed significant pursuant to TRPA Code. These issues include alteration of a significant archaeological or historic site; significant impacts on a prehistoric site or historic building, structure, or object; physical changes that would affect unique cultural ethnic values; or restriction of historic or prehistoric religious or sacred uses within the impacted area.

TRPA Code/Threshold

Identification and preservation of culturally and historically significant sites within Basin is an important goal in TRPA's Regional Plan (Tahoe Regional Planning Agency 2004b). Other sections provide protection of historic resources discovered during construction activities.

Additional Cultural Resource Guidelines

Additionally, if human remains are found, State Health and Safety Code Section 7050.5 mandates that all disturbances and activities in the area will cease. The Placer County coroner is immediately notified to determine the origin of the remains. Following *PRC* 5097.98, if remains are thought to be Native American, the coroner will notify the Native American Heritage Commission (NAHC). The NAHC will notify the Most Likely Descendent (MLD), who may inspect the remains with the approval of the landowner and recommend disposition of such remains.

3.2.3 Environmental Consequences (Including Permanent, Temporary, Direct, and Indirect)

3.2.3.1 Approach and Methodology

Kings Beach Cultural Resources Identification

The action's APE encompasses the construction footprint of the four proposed build alternatives, and for the historic built environment includes those parcels adjacent to the proposed action alignment wherein possible ROW acquisition will be necessary. The APE boundaries were determined through agreement between Placer County, Caltrans, and the TRPA; this APE has evolved during the project planning process.

Archaeological and architectural surveys completed for the most recent 2005 APE resulted in the preparation of three cultural resource documents (Appendix D). The Historic Property Survey Report (HPSR) is the primary compliance document for the Section 106 process used in FHWA and Caltrans reviews since the Section 106 Programmatic Agreement (Section 106 PA) took effect in 2004. The Archaeological Survey Report (ASR) is used for the inventory and evaluation of archaeological resources and the Historical Resources Evaluation Report (HRER) is used for historical built environment inventory and evaluation.

Additional project elements consisting of water features, curbs, and gutters were added to the project in 2007. These additions resulted in minor changes to the APE. Caltrans PQS examined the new features, curbs, and gutters according to the guidelines set forth in the PA and determined that the recent project additions have no potential to affect historic properties and are exempt from further review pursuant to Stipulation VII and Attachment 2, Screened Undertakings, (Class 2, 8, 11) of the PA (Appendix E).

The investigation for the action included a records search, consultation, field surveys, and additional research. The result of this investigation is described below and further information is provided in Appendix D.

Records Search

A literature and records search for the action area was conducted in 2001 and updated in 2005 at the North Central Information Center of the California Historical Resources Information System (CHRIS). The 2001 records search indicated one previously recorded prehistoric site, CA-PLA-9, an extensive lithic scatter was located along the beach south and west of the action area, and several historic roads and site locations were noted on the 1865 and 1875 General Land Office (GLO) maps. The 2005 search identified a historic stone walkway (KBP1) and two historic building complexes (Map Reference #15 and #16). None of these properties are considered eligible for the NRHP, or as historic resources per CEQA or the TRPA. Moreover, this search identified no properties or districts listed in the NRHP (2005), the CRHR (California Register of Historical Resources 2005), the California Inventory of Historic Resources (1976), the California State Historic Landmarks (1996), the California Points of Historical Interest (1992), and the Caltrans Bridge Inventory (1987 and 2000). The Office of Historic Preservation's (OHP's) Historic Property Directory (2005) identified a segment of SR 267 as a 6Y resource, one determined ineligible for the NRHP by consensus through the Section 106 process, but not evaluated for the CRHR or a local listing. Other sources consulted were Gold Districts of California (1979), California Gold Camps (1975), California Place Names (1969), Survey of Surveys of historic and architectural resources (1989), and the Directory of Properties in the Historical Resources Inventory (HRI) (August 2000).

Consultation

A letter to the NAHC requesting review of the Sacred Lands Files for areas of Native American concern was submitted on August 22, 2005 by Mactec. No cultural resources were identified by the NAHC. Letters were also sent to Native Americans identified as having interest in the project region and included the Washoe Tribe of Nevada and California and a representative of the Maidu/Washoe people. No cultural resources or concerns were identified by this correspondence or in follow-up phone calls. The Placer

County Museum and Historical Society were also contacted by letter and email, and no cultural resources or concerns were identified.

Field Survey

Archaeology

Results of inventory of the archaeological APE appear in the project ASR (Reno and Clay 2006). A systematic pedestrian archaeological survey of the identified direct impact areas for this action was completed in June 2001 and September 2002. A reconnaissance of the APE was conducted in October 2006 by a Jones & Stokes archaeologist. Resources were mapped and photographed.

Architecture

Fieldwork for architectural resources occurred between November 2002 and January 2003. Resources were photographed and results of the survey were recorded on Department of Parks and Recreation DPR 523 forms.

Summary of Known Archaeological and Architectural Resources

The following section describes known archaeological and historical cultural resources in, or directly adjacent to, the cultural resources action area, and their significance findings. The completed DPR forms for architectural resources are included in Appendix D.

Archaeological Resources

One isolated historic feature (a high cut stump) was located within the action area. Isolated features are not considered significant resources for the purposes of CEQA or Section 106 because they lack association and therefore cannot convey importance.

Architectural Resources

The built environment APE contains 171 improved parcels, some comprising multiple assessor parcel numbers (APN). Of these 171 parcels, 61 contain buildings constructed prior to or during 1960. Three of the 61 parcels (Blair's Cottages, the Felte Building

[formerly the Blue Lagoon Café], and the Welch Houses) appear to meet the criteria for listing in the NRHP, CRHR, and TRPA. The results of the survey and evaluation of the 61 properties are shown in Table 3.2-1. The basic findings for the three historic properties are also summarized below. Additional information for all 61 resources is located in Appendix D.

Blair's Cottages (APN 090-071-017)

This property, currently called Ann's Cottages, is located at 8199 North Lake Boulevard between Secline and Deer Streets. The property includes an office/residence, two duplex units, and three single units surrounding a central courtyard/ parking lot area. It is a locally exceptional representative of a Minimal Traditional motor court design that makes use of Mountain Rustic stylistic elements, with a period of significance of 1946 to 1960. The property retains a high degree of integrity and appears nearly unmodified since original construction. Blair's Cottage appears to meet the criteria for listing in the NRHP at the local level of significance under Criterion C, the CRHR under Criterion 3, and TRPA under Criterion C. The property is a historical resource for the purposes of CEQA.

The Felte Building (APN 090-075-009)

This property is located at 8399 North Lake Boulevard at the corner of North Lake Boulevard (SR 28) and Bear Street. Formerly known as the Blue Lagoon Café, this property is a two-and-a-half-story rectangular wood frame commercial building with a jerkin-head roof. It is a locally exceptional representative of a late 19th century, utilitarian commercial design that illustrates how amenable the style was to Mountain Rustic adaptation. It is one of the few surviving pre-World War II commercial buildings at Lake Tahoe and has a period of significance of 1924 to 1945. The building retains a fairly high degree of integrity despite some changes in appearance since original construction. The Felte Building appears to meet the criteria for listing in the NRHP at the local level of significance under Criterion C, the CRHR under Criterion 3, and TRPA under Criterion C. The property is a historical resource for the purposes of CEQA.

The Welch Houses (APN 090-134-017)

This property is located at 8659 Brockway Vista Avenue east of Coon Street and includes two small gable cabins and a detached garage. They are locally exceptional representatives of a Minimal Traditional vacation home and outbuilding design with enhancements that reflect the Mountain Rustic ethic, with a period of significance for the property of 1924 to 1945. The cabins and garage all retain a high degree of integrity and appear to be nearly unmodified since original construction. The Welch House appears to meet the criteria for listing in the NRHP at the local level of significance under Criterion C, the CRHR under Criterion 3, and TRPA under Criterion C. The property is a historical resource for the purposes of CEQA.

Federal Regulations

Under federal regulations, adverse effects on cultural resources need only be analyzed if a resource meets the eligibility criteria for listing in the NRHP. Federal regulations define an adverse effect on a cultural resource as an action that may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Adverse effects on historic properties can include:

- Physical destruction of or damage to all or part of the property;
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (*36 CFR Part 68*) and applicable guidelines;
- Removal of the property from its historic location;
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;

Table 3.2-1. Pre-1960 Properties in Action Area

Resource No.	Name	Address/Location	Community	Eligibility Status		
				NRHP	CRHR	TRPA
1	Stones County Tire	8001 N Lake Blvd.	Kings Beach, CA	No	No	No
2	Kings Beach Library	301 Secline St.	Kings Beach, CA	No	No	No
3	Torres Apartments	8094 Rainbow Ave.	Kings Beach, CA	No	No	No
4	Little Bear Cottages	8095 N Lake Blvd.	Kings Beach, CA	No	No	No
5	La Comunidad Unida	8111 N Lake Blvd.	Kings Beach, CA	No	No	No
6	Caesar's Motel	8123 N Lake Blvd.	Kings Beach, CA	No	No	No
7	Habeger Houses	8173 N Lake Blvd.	Kings Beach, CA	No	No	No
8	Anderson House	265 Deer St.	Kings Beach, CA	No	No	No
9	Hurtando Apartments	325 Deer St.	Kings Beach, CA	No	No	No
10	Benning's Resort	8315 Trout Ave.	Kings Beach, CA	No	No	No
11	Jameson Houses	8333 Rainbow Ave.	Kings Beach, CA	No	No	No
12	Henderson House	8363 Rainbow Ave.	Kings Beach, CA	No	No	No
13	Franklyn Lee House	8368 Rainbow Ave.	Kings Beach, CA	No	No	No
14	Lake Air Resort	265 Bear St. 8385 Trout Ave.	Kings Beach, CA	No	No	No
15	Lofstead Houses	8358 Trout Ave.	Kings Beach, CA	No	No	No
16	Glad-Lee Lodge	268 Bear St.	Kings Beach, CA	No	No	No
17	Northwood Pines Motel	8489 Trout Ave.	Kings Beach, CA	No	No	No
18	Kalange Apartments	8448 Trout Ave.	Kings Beach, CA	No	No	No
19	La Mexicana Meat Market	8515 Brook Ave.	Kings Beach, CA	No	No	No
20	Duzevich House	8534 Trout Ave.	Kings Beach, CA	No	No	No
21	Going House	8550 Trout Ave.	Kings Beach, CA	No	No	No
22	C. Smith Apartments	8537 Brook Ave.	Kings Beach, CA	No	No	No
23	Old Post Office	8401 N Lake Blvd.	Kings Beach, CA	No	No	No
24	Bruening Realty	8470 Brook Ave.	Kings Beach, CA	No	No	No
25	Alpine Club/ Tradewinds	8545 N Lake Blvd.	Kings Beach, CA	No	No	No
26	Bervid House	241 Coon Street	Kings Beach, CA	No	No	No
27	R. Barber Houses	8673 Salmon Ave.	Kings Beach, CA	No	No	No
28	Schneider House	8679 Salmon Ave.	Kings Beach, CA	No	No	No
29	S. Smith Buildings	8675 N Lake Blvd.	Kings Beach, CA	No	No	No
30	Miniature Golf	8681 N Lake Blvd.	Kings Beach, CA	No	No	No
31	S. Smith Apts	8684 Salmon Ave.	Kings Beach, CA	No	No	No
32	C. Smith House	8771 N Lake Blvd.	Kings Beach, CA	No	No	No
33	Tacos Jalisco	8717 N Lake Blvd.	Kings Beach, CA	No	No	No
34	Miller House	8789 Minnow Ave.	Kings Beach, CA	No	No	No

Table 3.2-1. Continued

Resource No.	Name	Address/Location	Community	Eligibility Status		
				NRHP	CRHR	TRPA
35	Shoberg House	8827 Minnow Ave.	Kings Beach, CA	No	No	No
36	Blue Waters Lodge	221 Chipmunk St.	Kings Beach, CA	No	No	No
37	Gifford House	8817 N Lake Blvd.	Kings Beach, CA	No	No	No
38	Eriksson House	8129 Brockway Vista Ave.	Kings Beach, CA	No	No	No
39	Rasch House	8317 Rainbow Ave.	Kings Beach, CA	No	No	No
40	Gold Crest Motel	8194 N Lake Blvd.	Kings Beach, CA	No	No	No
41	Crown Motel	8200, 8226 N Lake Blvd.	Kings Beach, CA	No	No	No
42	Sun 'N Sand Motel	8308 N Lake Blvd.	Kings Beach, CA	No	No	No
43	Mr. Video	8612 N Lake Blvd.	Kings Beach, CA	No	No	No
44	Lakeside Gallery & Gifts	8636 N Lake Blvd.	Kings Beach, CA	No	No	No
45	Dentraygues House	8680 N Lake Blvd.	Kings Beach, CA	No	No	No
46	Rockwood Houses	8669 Brockway Vista Ave.	Kings Beach, CA	No	No	No
47	Duggan Houses	8675, 8677, and 8679 Brockway Vista Ave.	Kings Beach, CA	No	No	No
48	Smyly Houses	8681 and 8685 Brockway Vista Ave.	Kings Beach, CA	No	No	No
49	M. Smith House	8693 Brockway Vista Ave.	Kings Beach, CA	No	No	No
50	Golden Group & Quality Carpet Care	8702 N Lake Blvd.	Kings Beach, CA	No	No	No
51	Dew-Mar Cottages	8716 N Lake Blvd.	Kings Beach, CA	No	No	No
52	Stevenson's Holliday Inn	8742 N Lake Blvd.	Kings Beach, CA	No	No	No
53	Ta-Tel Motel	8748 N Lake Blvd.	Kings Beach, CA	No	No	No
54	Sierra TV & Launderette	8762 N Lake Blvd.	Kings Beach, CA	No	No	No
55	Johnson Building	8788 N Lake Blvd.	Kings Beach, CA	No	No	No
56	Sierra Pacific Coffee	8790 N Lake Blvd.	Kings Beach, CA	No	No	No
57	Blair's Cottages	8199 N Lake Blvd.	Kings Beach, CA	Yes	Yes	Yes
58	Fuhrmann Houses	8220 and 8230 Rainbow Ave	Kings Beach, CA	No	Yes	Yes
59	Felte Building (formerly the Blue Lagoon Café)	8399 N Lake Blvd.	Kings Beach, CA	Yes	Yes	Yes
60	Lanini House	8080 Brockway Vista Ave	Kings Beach, CA	No	Yes	Yes
61	Welch Houses	8659 Brockway Vista Ave.	Kings Beach, CA	Yes	Yes	Yes

- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to a Native American tribe or Native Hawaiian organization; and
- Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

3.2.3.2 Evaluation of Cultural Resources Impacts

A total of 61 buildings and/or structures constructed prior to or during 1960 have been identified and evaluated for historical significance. Three of the resources evaluated (Blair's Cottages, the Felte Building, and the Welch Houses) appear to be historically or architecturally significant. The following sections provide additional information regarding impacts related to individual resources.

Impact CR-1. Potential Disturbance to Unidentified Archaeological Resources during Construction

Alternative 1

Alternative 1, the no build alternative, avoids all impacts on cultural resources. If the existing roadway configuration remains unchanged and no parking areas are constructed, no effects would occur.

Alternatives 2, 3, and 4

The proposed action includes Alternatives 2, 3, and 4, which all involve modifications to SR 28 within the Kings Beach Commercial Core. Though a pedestrian inventory of the action area has been conducted and no cultural resources were located, only the ground surface was examined and there is the potential that buried deposits could be inadvertently unearthed during ground-disturbing activities associated with project construction. This is considered a potentially adverse effect, but implementing Mitigation Measure CR-1 will minimize this effect.

Impact CR-2. Inadvertent Discovery of Native American Human Remains

Alternative 1

Alternative 1, the no build alternative, avoids all impacts on cultural resources. If the existing roadway configuration remains unchanged and no parking areas are constructed, no effects would occur.

Alternatives 2, 3, and 4

In the case of inadvertent discovery of Native American human remains, it will be necessary to comply with both state and federal regulations.

The Native American Graves Protection and Repatriations Act (NAGPRA) (PL 101-601), (25 U.S.C. 3001–3013) requires consultation with appropriate native groups (e.g., Native Americans, Alaska Natives, Native Hawaiians) prior to excavation (either intentionally or through inadvertent discovery) of specified cultural items, comprising human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony. It provides procedures for contacting and consulting the appropriate Native American groups. A similar state law exists in California that provides a parallel process (California Health and Safety Code Section 8010 et seq.).

According to the California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100) and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

No human remains are known to be located in the action area. However, there is always the possibility that unmarked burials may be unearthed during construction. This effect is considered potentially adverse. Implementation of Mitigation Measure CR-2 would reduce the severity of this effect.

Impact CR-3. Destruction or Disturbance to a Significant Architectural Resource—Felte Building (No Impact)

Alternative 1

Alternative 1, the no build alternative, avoids all impacts on cultural resources. If the existing roadway configuration remains unchanged and no parking areas are constructed, no effects would occur.

Alternative 2 and 4

No effects on significant cultural resources would occur under Alternatives 2 and 4.

Alternative 3

The proposed action would construct a sidewalk along the east side of the Felte Building (8399 North Lake Boulevard). Proposed construction is not expected to materially impair (i.e., demolish or substantially alter the physical characteristics of) the building. Thus, the Felte Building would continue to convey its historical significance. Consequently, no effect on this resource is anticipated.

On November 30, 2006, Caltrans sent a letter to Mr. Wayne Donaldson, SHPO, seeking his office's concurrence in the substitution of a finding of "no adverse effect" pursuant to revised regulations issued by the ACHP (*36 CFR Part 800*). This letter may be found in Appendix D.

The letter also advised the SHPO that his office's concurrence in FHWA's determination of no adverse effect could serve as the basis of a finding of de minimis impact under Section 4(f) of the Department of Transportation Act of 1966, *49 U.S.C. 303*. Under the 40-year-old provisions of Section 4(f), the Secretary of Transportation may not use land from a property in or eligible for the NRHP unless there is no prudent and feasible alternative to the use of that land and the Secretary has undertaken all possible planning to minimize harm to the historic property. Under a recently enacted amendment to Section 4(f), however, that statute will be considered satisfied if the project would result in a de minimis impact on the protected property. For historic sites, the new law states

that the Secretary may find such a de minimis impact if consultation with the SHPO results in a determination that a transportation project will have no adverse effect on the historic site or that there will be no historic properties affected by the proposed action. With regard to the Felte Building, the SHPO concurred with the FHWA's determination of no adverse effect as the result of the "strip takes" contemplated by Alternative 3. In addition, placement of the proposed vault and media filter beneath the parking lot south of Bear Street would result in long-term beneficial effects (i.e., water quality and aesthetic). Accordingly, the provisions of Section 4(f) would be considered satisfied should this alternative be selected.

3.2.4 Mitigation, Avoidance, Minimization, and Compensation Measures

Mitigation Measure CR-1: Stop Work if Buried Resources Are Discovered Inadvertently

The project applicant and its construction contractor will take the steps specified below during project construction. If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or bone, are discovered during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a archaeologist who meets the Secretary of the Interior's qualification standards can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the Caltrans, the SHPO, and other appropriate agencies. Appropriate treatment measures may include development of avoidance or protection methods, archaeological excavations to recover important information about the resource, research, or other actions determined during consultation.

Mitigation Measure CR-2: Comply with State and Federal Laws Relating to Native American Remains

If human remains of Native American origin are discovered during project construction, it will be necessary to comply with federal and state laws relating to the disposition of Native American burials, which fall under the jurisdiction of the NAHC (*PRC Section 5097*). If any human remains of Native American origin are discovered or recognized in any location other than a dedicated cemetery,

Caltrans will be contacted and there will be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent human remains, until:

- the Placer County coroner has been informed and has determined no investigation of the cause of death is required, or
- if the remains are of Native American origin:
 - the NAHC has notified Tribal representatives for any federally or state recognized tribes or other interested grounds by telephone with written confirmation. Notification will include information about the kinds of human remains, etc., present, their condition, and the circumstances of their discovery. Return receipt mail provides proof of written notification. This initiates the 30-day waiting period. If a federally recognized tribe can claim the territory associated with the find, NAGPRA procedures will be followed. If no federally recognized tribes can claim the territory associated with the find, proceed directly to the requirements of California NAGPRA and *PRC Section 5097.98*.
 - the descendents of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods or the NAHC is unable to identify a descendant or the descendant fails to make a recommendation within 24 hours after being notified by the NAHC.

3.2.5 Compliance with Tahoe Regional Planning Agency Code

Sections 29.2 and 29.5 of the TRPA Code of Ordinances prohibit demolition, disturbance, removal, or significant alteration of significant historic resources without a TRPA approved resource protection plan, and set standards for resource discovery, protection, preservation, evaluation, and management.